

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

November 14, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF 04KD-043  
Kauai

Consent to Sublease General Lease No. S-3852, United States of America, Department of the Navy, Sublessor, to New Cingular Wireless PCS, LLC dba AT & T, Sublessee, Waimea, Kekaha, Kauai, Tax Map Key (4) 1-2-002:026 por.

APPLICANT:

United States of America, Department of the Navy, as Sublessor, to New Cingular Wireless PCS, LLC dba AT & T, as Sublessee.

LEGAL REFERENCE:

Section 171-36(a)(6), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kekaha, Waimea, Kauai, identified by Tax Map Key (4) 1-2-002:026 por. located at Barking Sands Pacific Missile Range Facility ("PMRF") as shown on the attached map labeled Exhibit A.

AREA:

216 square feet, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_ NO X

LEASE CHARACTER OF USE:

Military and scientific purposes of the Government.

SUBLEASE CHARACTER OF USE:

Telecommunication equipment purposes.

TERM OF LEASE:

Sixty-five (65) years, commencing on August 20, 1964 and expiring August 19, 2029.

TERM OF SUBLEASE:

Five (5) years commencing on approval by the Board.

ANNUAL LEASE RENTAL:

Gratis.

ANNUAL SUBLEASE RENTAL:

\$21,600.00.

DCCA VERIFICATION:

SUBLESSOR:

Place of business registration confirmed:	YES <u>N/A</u>	NO <u>  </u>
Registered business name confirmed:	YES <u>N/A</u>	NO <u>  </u>
Good standing confirmed:	YES <u>N/A</u>	NO <u>  </u>

SUBLESSEE:

Place of business registration confirmed:	YES <u>X</u>	NO <u>  </u>
Registered business name confirmed:	YES <u>X</u>	NO <u>  </u>
Good standing confirmed:	YES <u>X</u>	NO <u>  </u>

REMARKS:

General Lease No. S-3852 was issued to the United States of America for sixty-five (65) years commencing August 20, 1964 and expiring August 19, 2029.

On October 25, 2002, under Item D-5, the Land Board approved the USA, Department of the Navy's request to amend General Lease No. S-3852 to allow subleasing of the demised premises for privately owned telecommunication equipment. As part of this arrangement and because the Navy pays no rent for the land, all of the revenues collected under the subleases are paid to the State.

On January 9, 2004, under Item D-22, the Land Board approved the Conservation District Use Application (KA-3150B) to develop a telecommunications facility at PMRF for Nextel Partners.

On March 12, 2004, under Agenda Item D-11, the Land Board approved the Consent to Sublease General Lease No. S-3852, United States of America, Department of the Navy, Sublessor, to Nextel WIP Lease Corp. dba Nextel Partners, Sublessee, for the installation, operation, maintenance, repair

and replacement of wireless communications equipment, including a monopole, equipment shelter, antennas transmitters, cables and all appurtenant equipment.

This sublease to New Cingular Wireless PCS, LLC dba AT & T, is for telecommunication equipment purposes including the installation of nine panel antennas on Nextel's existing monopole. Five radio equipment cabinets will be placed at the base of the pole and connect to the antenna by a coaxial cable. The cabinets will sit on a poured concrete pad occupying a land area of 216 square feet. All proposed Cingular facilities will be collocated with existing Nextel facilities as shown in the attached drawing labeled Exhibit B.

Staff has no objection in the Consent to Sublease to New Cingular Wireless PCS, LLC dba AT & T for telecommunication equipment purposes. Furthermore, the annual sublease rent of \$21,600 is paid directly to the Department of Land and Natural Resources.

RECOMMENDATION:

That the Board consent to the Sublease under General Lease No. S-3852 between United States of America, Department of the Navy, as Sublessor, and New Cingular Wireless PCS, LLC dba AT & T, as Sublessee, subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following terms and conditions:

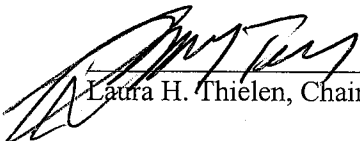
1. The Lessee shall submit construction plans of the Sublessee's improvements to the Land Division for the Chairperson's approval prior to constructing any improvements on the demised premises;
2. The Sublessor and Sublessee shall comply with CDUA KA-3150B;
3. The standard terms and conditions of the most current consent to sublease form, as may be amended from time to time;
4. Review and approval by the Department of the Attorney General; and
5. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



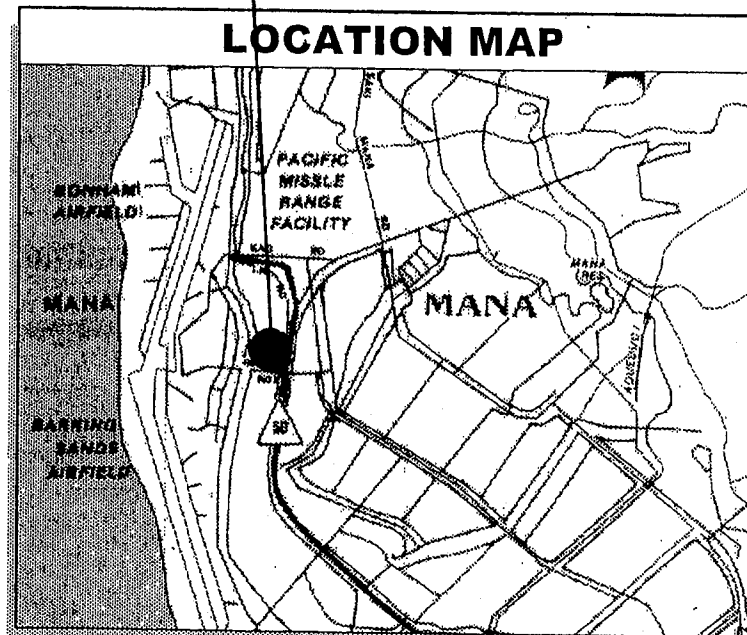
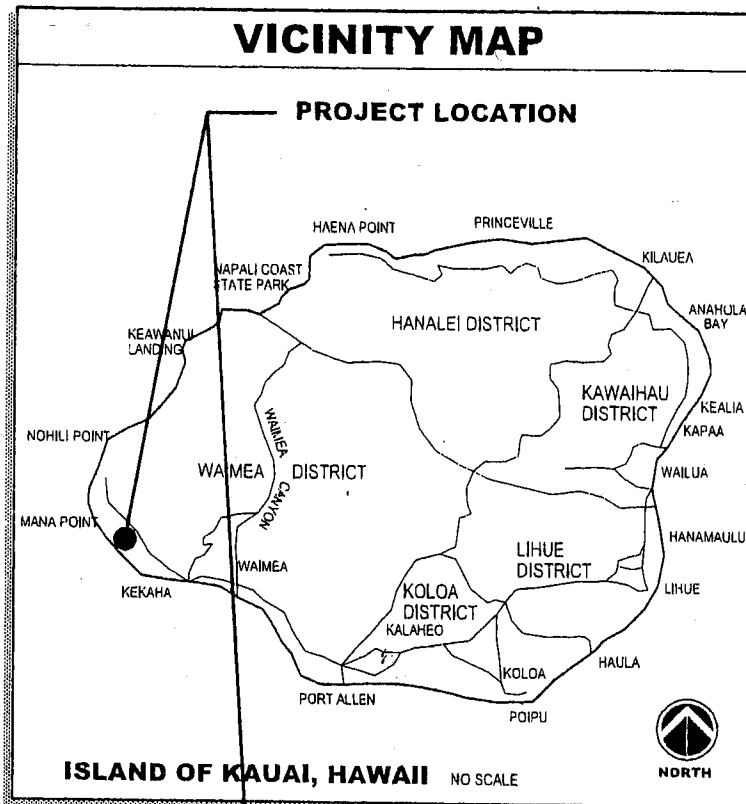
Darlene K. Ariola  
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson





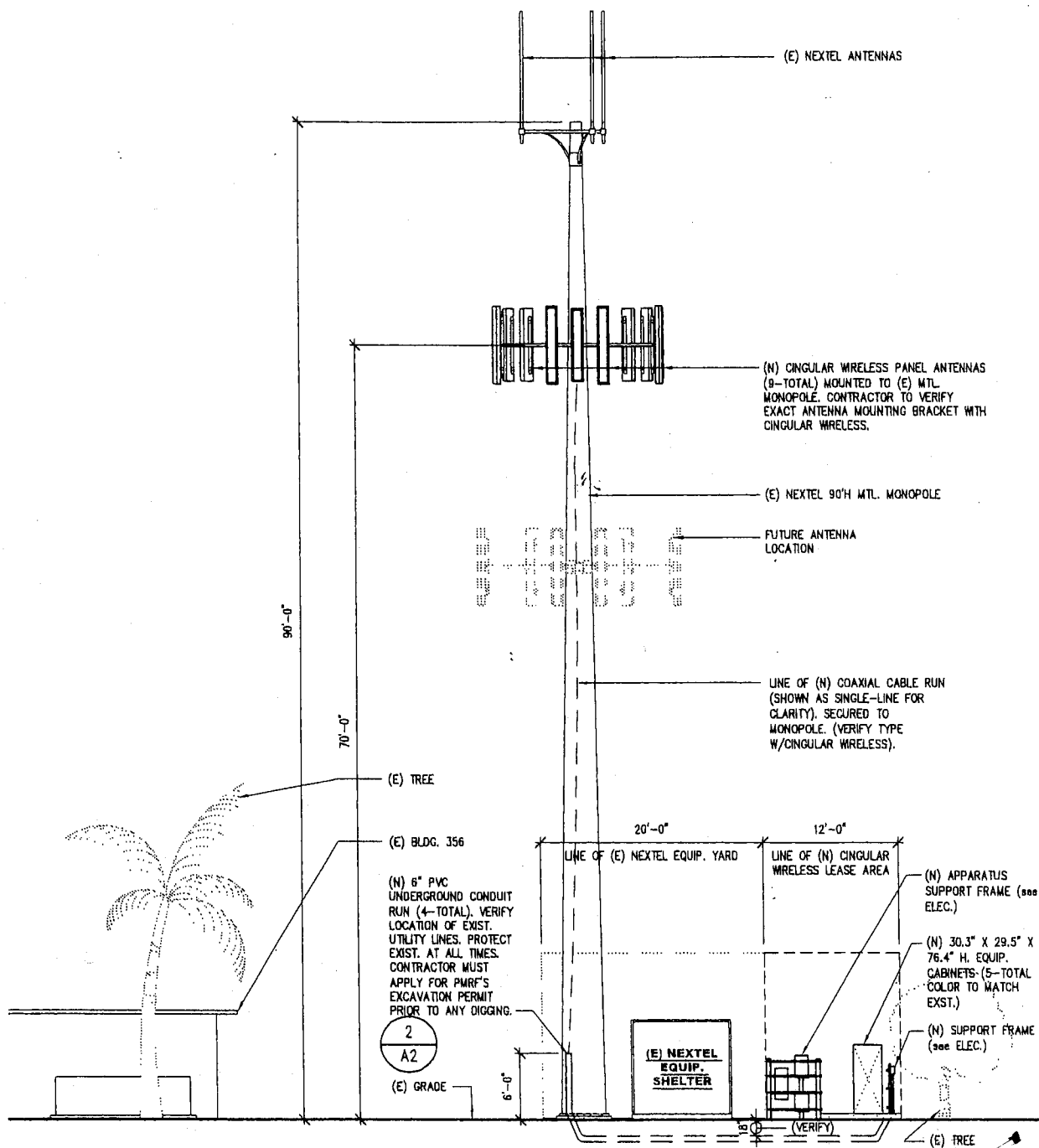


Exhibit B